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TECH CENTER 1600/2900

JUN 26 2002

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Date: June 19, 2002

Docket No.: 760-262P

Serial No.: 09/229,324

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JUN 24 2002

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BOX CPA

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a Request for filing a continued prosecution application under 37 C.F.R. §1.53(d) of prior Application Serial No. 09/229,324, entitled METHOD FOR TRANSFORMING MONOCOTYLEDONS by the following named Inventors:

Yukoh HIEI and Toshihiko KOMARI

☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).

a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

The above-identified prior application, in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all of the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

06/21/2002 AWONDAF1 00000035 09229324

01 FC:131  
02 FC:118

740.00 OP  
1440.00 OP

MAIL ADDRESS: P.O. BOX 747, FALLS CHURCH, VIRGINIA, USA 22040-0747

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1. ☐ Enter the Amendment previously filed , under 37 C.F.R. §1.116 but unentered, in the prior application.
2. ☒ A Preliminary Amendment is enclosed.
3. ☐ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
4. ☐ A new power of attorney or authorization of agent is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$740.00	\$370.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	17-20=	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	3-3=	0	x 84 = \$0.00	x 42 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$280.00	+ \$140.00
TOTAL			\$740.00	\$0.00

5. ☐ Small-entity status: Applicants claim small-entity status. See 37 C.F.R. §1.27.
6. ☒ Priority of Application Nos. 4-204464 filed in JAPAN on July 7, 1992 is claimed under 35 U.S.C. §119. See attached copy of the Letter claiming priority filed in the prior application on March 2, 1999.
7. ☐ Priority of International Appl. filed on under the Patent Cooperation Treaty and Application No(s). filed in on under 35 U.S.C. §119 are hereby reclaimed.

8. ☒ Address all future communications to:  
  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P. O. Box 747  
Falls Church, VA 22040-0747  
Telephone: (703) 205-8000  
**or**  
Customer No. 2292
9. ☒ Applicants hereby petition for an extension of four (4) month(s) pursuant to 37 C.F.R. §§1.17 and 1.136(a). The fee has been calculated as shown below:
- ☒ No extensions of time have been previously obtained in the prior application. Thus, a fee of \$1,440.00 is required for the full period of the above-requested extension of time.
- ☐ An extension of ( ) month(s) was previously requested and paid for on in the prior application. Thus, a fee of \$0.00 is required to obtain an additional ( ) month(s) in order to establish co-pendency with the present application.
10. ☐ Applicants request suspension of action under 37 C.F.R. §1.103(b) for a period of ( ) months (not to exceed 3 months) and the fee of \$130.00 under 37 C.F.R. §1.17(i) is enclosed.
11. ☒ Check(s) in the amount of \$2,180.00 is/are enclosed.
12. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
13. ☐ The filing fee is **NOT** attached. Please issue a Notice requesting the filing fee.
14. ☐ Also enclosed herewith is the following:

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Serial No. 09/229,324  
Docket No. 760-262P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. \$1.16 or under 37 C.F.R. \$1.17, particularly extension of time fees.

It is understood that secrecy under 35 U.S.C. §122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. §1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all of the other applications in the same file wrapper.

Respectfully submitted,  
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Mark J. Nuell, #36,623

**760-262P**  
Attachments  
DRN:rk

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PATENT  
760-262P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicants: Yukoh HIEI et al. Art Unit: 1638

Serial No.: 09/229,324 Examiner: G. Benzi

Filed: January 13, 1999

For: METHOD FOR TRANSFORMING MONOCOTYLEDONS

PRELIMINARY AMENDMENTAssistant Commissioner for Patents  
Washington, DC 20231

June 19, 2002

Sir:

Prior to examination, please amend the above-identified  
Continued Prosecution Application as follows:

IN THE CLAIMS:Please **add claim 17** as follows:

--| 17. A method for transforming a monocotyledon, comprising  
the steps of:

placing a tissue of said monocotyledon on a callus-inducing  
medium;

infecting said tissue with a bacterium belonging to the  
genus *Agrobacterium*;

culturing said infected tissue and said bacterium on a co-  
culturing medium; and

regenerating a plant from said tissue on a plant-  
regenerating medium. --

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